

IN SENATE OF THE UNITED STATES.

JUNE 2, 1848.

Submitted, and ordered to be printed, and that 500 copies, in addition to the usual number, be printed for the use of the Senate.

Mr. WEBSTER made the following

REPORT:

[To accompany bill S. No. 8.]

*The Committee on Foreign Relations, to whom was referred the bill to be entitled "an act further to carry into effect the provisions and stipulations of the ninth article of the Florida treaty with respect to certain losses of Spanish subjects in West Florida," and the memorial of certain citizens of West Florida praying for the passage thereof, and sundry documents accompanying the same, report:*

That the documents submitted to the committee exhibit fully the facts and principles upon which the claims proposed to be settled by the bill above mentioned rest. After the reports in favor of the payment of these claims, heretofore made at three different sessions by standing committees of the House of Representatives, and a similar report of the Committee on Foreign Relations of the Senate, 1st session, 29th Congress, and the very full report of the Judiciary Committee of the Senate at the last session, also in favor of their liquidation, and which gives a history of the transactions on which they are founded, and also advances and maintains the principles calling for the legislation proposed, this committee do not regard it necessary to do more than to state briefly the general character of these claims, and make reference to those reports.

By the treaty with Spain, concluded in 1819, the United States agreed to pay Spanish subjects, residents of the Floridas, for losses occasioned by certain operations previously of American troops in those provinces; the amount to be ascertained by process of law.

In 1823 Congress authorized the federal judges in Florida to take testimony and adjudicate all claims arising under this stipulation of the treaty, and report the cases to the Treasury Department for the revision and final decision of the Secretary upon them.

Under this act the judges took the testimony and made the reports as to three classes of claims: 1st. For losses in the invasion of 1812 and 1813 of East Florida; 2. For losses in the invasion of

1814 of *West Florida*; and 3. For losses in the invasion of 1818 of both provinces.

Secretary Crawford rejected the claims of 1812, 1813, and 1814, as "not embraced by the treaty," and Secretary Rush refused to disturb his decision.

Congress, in 1834, after the question had been before it for many years, on the petition of the claimants of 1812 and 1813, reversed that decision so far as it applied to the two years just specified, by an act passed 25th of June, 1834; but the claims of 1814 were not included in that law.

The proposed bill is to allow the Secretary of the Treasury to examine and to supervise the adjudications of the judges in favor of these claims, and to revise the aforesaid decisions of the secretaries excluding them, and pay such amounts as he may deem just, regarding them as embraced by the treaty.

The committee consider the principle question involved as settled by the decision of Congress in 1834, that the losses of 1812 and 1813 were "embraced by the treaty," though they had been excluded by the secretaries, on the ground that the *English* version of the treaty, (not referring to the *Spanish* copy,) extended only to the losses of 1818, the term "*late*" preceding the word "operations" being in that version but not in the Spanish. If, however, there had not been any such legislative decision, it seems to the committee that the reports heretofore made by committees of the Senate and of the House show, quite satisfactorily, that in justice the losses of 1814 ought to have been included in the treaty stipulation; that it was intended they should be included, and that they were and are in fact so included; and that good faith on the part of this government requires that they should be investigated and the amounts ascertained to be due paid.

The claims of 1814, reported by the judge, are in the aggregate \$72,639 06. Of this amount the judge reported \$24,522 02 as allowed by him "absolutely," and \$48,116 56 "provisionally." The Secretary of the Treasury, in his supervision of the decisions of the judge, will make such deductions as he may deem right.

The committee report back to the Senate without amendment the said bill, which is precisely like that reported by the Judiciary Committee at last session, and which they recommend be passed.